IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT APPEAL NO : 477 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/03/2005 in WP NO : 23140 OF 2004 on the file of the High Court.)

Between:

G. Rama Murthy, S/o G. Krishna Murthy,
Regional Stores, Tirupathi, Chittoor District.

..... APPELLANT

AND

1 The Deputy Chief Personnal Manager, APSRTC, Nellore, Nellore District.
2 The Executive Director, APSRTC, Nellore Zone, Nellore District.
3 The Regional Manager, APSRTC, Nellore, Nellore District.
4 S.K.I. Basha,
Udayagiri Depot, APSRTC, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein in High Court may be pleased to issue an order or direction more particularly one in the nature of Writ of Mandamus calling for the records relating to the Office Order No.E2-813 (15)/2004-NZ, dated 25-10-2004 issued by the 2nd respondent and the Office Orders No.E2/813(10)/04-RM (n), dated 17-11-2004 of the 3rd respondent and also the proceedings No.E2/255/(14)/2004-NZ, dated 2-12-2004 of the 1st respondent and declare the same as illegal, arbitrary and contrary to the instructions of the Managing Director issued vide Circular No.PD-43/2004, dated 17-11-2004 and also the orders of this Hon'ble Court in WP No.21927 of 2004 dated 30-11-2004 and further direct the respondents to continue the petitioner as Assistant Manager (Materials) Regional

Stores, Tirupati, Chittoor District.

Counsel for the Appellant: MR.V.VENKATARAMANA

Counsel for Respondents: MR.R.MANMADHA REDDY, SC, APSRTC

The Court made the following :

JUDGMENT: (per Hon'ble Sir Justice J, Chelameswar)

Aggrieved by the order dated 1-3-2005 passed in WP No.23140 of 2004 by the learned single Judge dismissing the said writ petition, the petitioner preferred this writ appeal.

While the appellant was working as Assistant Manger (Materials), Regional Stores, Tirupathi, by the proceedings No.E2-813 (15)/2004-NZ, dated 25-10-2004, impugned in the writ petition, was transferred to Udayagiri Depot as Deputy Superintendent, Nellore Region. The said transfer order dated 25-10-2004 was challenged on the ground that the post to which the appellant was transferred carries a lesser pay than the post in which he was working at Tirupathi. By the order under appeal, the learned single Judge dismissed the said writ petition.

During the pendency of this appeal, the respondent-Corporation issued another office order dated 17-3-2005 once again seeking to transfer the appellant to Nellore-I Depot as Assistant Manager (Materials). Now, in view of the modified order dated 17-3-2005, the initial grievance of the appellant-writ petitioner that he has been transferred to a post carrying a lesser pay is no more available, as admittedly the post to which he is now transferred carry the same scale of pay which the post in which he was earlier working at Tirupathi.

Mr. V. Venkata Ramana, learned counsel for the appellant seeks permission to withdraw the writ petition with liberty to challenge the order dated 17-3-2005 referred to earlier as that order suffers from certain legal infirmities which are required to be examined in separate proceedings independently.

In the circumstances, the writ appeal is disposed of modifying the order under appeal to that of an order of dismissal as withdrawn with liberty to the appellant-writ petitioner to challenge the order dated 17-3-2005 passed by the 2nd respondent herein, if so advised.

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J. Chelameswar, J

_____

Ghulam Mohammed, J

Dated 22nd March, 2005

Nrg.

To

1 The Deputy Chief Personnal Manager, APSRTC, Nellore, Nellore District.
2 The Executive Director, APSRTC, Nellore Zone, Nellore District.
3 The Regional Manager, APSRTC, Nellore, Nellore District.
4 S.K.I. Basha,
Udayagiri Depot, APSRTC, Nellore District.

5. 2 CCs to learned SC for APSRTC (O.U.T.)

5. 2 CD copies

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